

**REMARKS**

Applicants respectfully requests reconsideration of this application as amended. No claims have been amended, added or canceled. Therefore, claims 1-22 are present for examination.

**35 U.S.C. §102(b) Rejection*****Eyer***

Claims 1, 2, 4, 6-12, 14, 15, 17, 18, 20, and 21 have been rejected under 35 U.S.C. §102(b) as being unpatentable over Eyer (U.S. Patent No. 5,485,577).

Applicants respectfully submit that claims 1, 2, 4, 6-12, 14, 15, 17, 18, 20, and 21 are patentably distinguished over Eyer. At the least, Eyer does not teach, disclose, or suggest "content comprising a set of attributes having L through N levels of access", as required by, for example, claim 1. Each of the other remaining pending independent claims recite limitations that are similar to these limitations of claim 1, although some differences may exist among the limitations of the other pending independent claims. These similar limitations nevertheless patentably distinguish the claims over Eyer.

Eyer discloses a method for incrementally delivering authenticated access rights to an access control processor. In Eyer, data defining the access rights is divided into a plurality of subgroups which are transmitted to the processor as authenticated data in a plurality of messages. Upon receipt of a message by the processor, a current cryptographic key is derived using the authenticated data of

the current message. The current cryptographic key is compared to a cryptographic key from a prior message. If the keys match, then the validity designation for that key is set to a valid state for each storage bank that is storing data authenticated by the current message. If the keys do not match, the validity designation for that key is set to a valid state for each storage bank that is storing data authenticated by the current message, and the validity designation for that key is set to an invalid state for all other storage banks. (Eyer, column 2, lines 19-41.)

In the subject application, content may comprise a set of attributes, and may be associated with one or more levels of access. As described in the specification, levels of access may be associated with attributes, and each level of access may be subscribed to. (See Specification at, for example, paragraph 21, 23, and 26.) While Eyer discloses data that may be "divided into a plurality of subgroups", Eyer does not, however, disclose that the data has one or more "levels of access".

Thus, since Eyer does not teach or disclose each and every element of the claimed invention, it is respectfully submitted that the Examiner has failed to establish *prima facie* that claims 1, 2, 4, 6-12, 14, 15, 17, 18, 20, and 21 are anticipated by Eyer. Thus, it is respectfully submitted that the Examiner's rejection of these claims under 35 U.S.C. §102(b) as obvious in view of Eyer be withdrawn.

**35 U.S.C. §103(a) Rejection***Eyer in view of Arazi*

Claims 3, 5, 13, 16, 19, and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Eyer (U.S. Patent No. 5, 485,577) in view of Arazi (U.S. Patent No. 5,448,639).

Arazi discloses a digital signature device that comprises hardware or software means for carrying out modular exponentiation and/or modular multiplication operations. (Arazi, column 1, lines 47-50.)

In order to establish a *prima facie* case of obviousness:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (Emphasis added). *In re Vaech*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Manual of Patent Examining Procedure (MPEP), 8<sup>th</sup> Edition, August 2001, §2143.

Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness because:

1. There is no suggestion or motivation in Eyer or in Arazi for combination.

2. The combination of Eyer and Arazi does not teach or suggest all the claim limitations.

There is no suggestion or motivation in Eyer or in Arazi for combination

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). MPEP §2143.01. Furthermore, though a combined element may be a "technologically simple concept", the reference must still provide the motivation for the combination. (*In re Kotzah*, 217 F.3d at 1371, 55 USPQ2d at 1318.)

MPEP §2143.01.

While Eyer is directed to incremental delivery of access rights to data, Arazi is directed to a digital signature device. The fact that Eyer may use digital signatures, however, does not make it a candidate for combination with Arazi absent a suggestion for desirability of the combination. Applicants submit that such suggestion is absent because the references address different needs. Eyer addresses a need for a secure method for transmission of data, while Arazi addresses a need for a simplified and less expensive digital signature device. Applicants respectfully submit that the combination of Eyer with Arazi is not suggested in either reference.

The combination of Eyer and Arazi does not teach or suggest all the claim limitations

Neither Eyer nor Arazi discloses, teaches, or suggests "content comprising a set of attributes having L through N levels of access", as required by, for example, claim 1. Therefore, the combination of Eyer and Arazi does not teach or suggest all the claim limitations, and therefore does not produce the Applicants' invention as embodied in the claims.

Thus, since the Examiner has not established a *prima facie* case of obviousness, the combination of Eyer and Arazi is in error. Thus, it is respectfully submitted that the Examiner's rejection of claims 3, 5, 13, 16, 19, and 22 under 35 U.S.C. §103(a) as obvious in view of Eyer and Arazi be withdrawn.

**Conclusion**

Applicants respectfully submit that the claims as amended are in condition for allowance. Therefore, allowance at an early date is earnestly solicited.

The Examiner is invited to initiate an interview with the undersigned by calling 949-498-0601 if the Examiner believes that such an interview will advance prosecution of this application.

**Request for an Extension of Time**

Applicants respectfully petition for a one (1) month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a).

Please charge our Deposit Account No. 50-0221 to cover the fee under 37  
C.F.R. § 1.17(a) for such an extension.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 50-0221.

Respectfully submitted,

Date: June 30, 2005

  
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